

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

DIVNA MASLENJAK

Defendant.

)

)

) **Case No. 1:13-CR-126**

)

) **JUDGE BENITA Y. PEARSON**

)

) **ORDER SETTING**

) **ASIDE ORDER REVOKING**

) **CITIZENSHIP AND CANCELLING**

) **CERTIFICATE OF**

) **NATURALIZATION**

This matter is before the Court on Defendant Maslenjak's unopposed motion to set aside the Court's August 14, 2014 Order revoking her citizenship and cancelling her certificate of naturalization. Defendant was convicted of violating 18 U.S.C. § 1425(a) on April 17, 2014. A mandatory consequence of conviction under that statute is the revocation of citizenship and cancellation of certificate of naturalization. *See* 8 U.S.C. § 1451(e). The Court accordingly ordered, on August 14, 2014, "that the final order admitting Defendant Divna Maslenjak to citizenship is hereby revoked, set aside, and declared void and her certificate of naturalization is hereby canceled" and that "Defendant Divna Maslenjak shall surrender the certificate of naturalization to the Department of Homeland Security" on August 14, 2014. (Dkt. 49). Defendant appealed her convictions and ultimately, on November 21, 2019, the United States Court of Appeals for the Sixth Circuit vacated Defendant's conviction under 18 U.S.C. § 1425(a) and remanded the case to this Court.

The sole basis for the Court's prior Order revoking Mrs. Maslenjak's citizenship and cancelling her certificate of naturalization was her conviction for violating 18 U.S.C. 1425(a). That conviction has been vacated by the Sixth Circuit and Mrs. Maslenjak no longer stands

convicted of that statute. It is therefore ordered that the Court's August 14, 2014 Order (Dkt. 49) revoking Maslenjak's citizenship and cancelling her certificate of naturalization is hereby set aside. The final order admitting Defendant Divna Maslenjak to citizenship is hereby reinstated. Defendant Maslenjak's certificate of naturalization (No. 29670887) is hereby reinstated and the Department of Homeland Security shall return the certificate of naturalization to Defendant, (or if necessary, replace it). The Department of Homeland Security shall take all necessary steps to effectuate the Court's order.

IT IS SO ORDERED.

May 14, 2021

Date

/s/ Benita Y. Pearson

Benita Y. Pearson
United States District Judge